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Hon. Gabriel W. Gorenstein, U.S.M.J.
United States District Court, Southern District of New York
Daniel Patrick Moynihan Courthouse, 500 Pearl Street
New York, New York 10007

**Re: In re: New York City Policing During Summer 2020 Demonstrations,
1:20-CV-8924 (CM) (GWG) — This Letter Relates to All Non-Stayed Cases**

Dear Judge Gorenstein,

We represent the Plaintiffs in *Gray v. City of New York*, and write on behalf of all non-stayed plaintiffs in these consolidated actions pursuant to the Court's order of May 2, 2023, docketed at ECF No. 977. That order directed the Plaintiffs to file by May 26 their supplemental letter regarding the open issue as to whether the deposition of Sgt. Stuart Wohl would be duplicative of the deposition testimony of Sgt. Saturnin. Plaintiffs have no additional arguments at this time, because Sgt. Saturnin's deposition has not yet taken place. As the Court is aware, the timing and duration of Sgt. Saturnin's deposition was the subject of a dispute, which was resolved by the court's grant of plaintiff's motion to compel. (ECF No. 995). Sgt. Saturnin's deposition is now scheduled to go forward on May 30 and 31. After May 31, the parties will be in a much better position to advise the Court as to whether Sgt. Wohl's deposition testimony would or wouldn't be duplicative of Sgt. Saturnin's testimony.

Accordingly, Plaintiffs' position on the potential duplicativeness of Sgt. Wohl's deposition is unchanged since their last submission, at pages 9-10 of ECF No. 855. The relevant text is reproduced for the Court's benefit here:

Sergeant Stuart Wohl of the NYPD Firearms and Tactics Section. Plaintiffs do not seek Sgt. Wohl's testimony on the narrow basis that he "designed" the Constitutional Policing and Community Events ("CPACE") training class, but because of Sgt. Wohl's extensive involvement in trainings relating to policing mass protests and large crowds. Sgt. Wohl was assigned to the Disorder Control Unit for six years, where he conducted trainings on Civil Disorder, and helped design the Strategic Response Group (SRG), a specialized NYPD unit that was deployed in

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response to multiple incidents underlying Plaintiffs' claims. Wohl in fact trained all SRG members, which would include several of the individual defendants. Furthermore, Wohl currently teaches a variety of classes related to civil disorder and policing protests. Wohl has uniquely broad and relevant knowledge of NYPD's trainings and tactics relevant to situations involving large crowds, and how that training has evolved over time. This specific, personal knowledge of relevant facts renders his testimony critical to the Plaintiffs' failure-to-train *Monell* claims

As supplemental letters in reply on the duplicativeness of Sgt. Wohl's testimony are due on June 2, plaintiffs anticipate they will be able to provide a more substantive update at that time.

Additionally, Defendants contend that the testimony of John Miller is duplicative of Chief Thomas Galati. On that basis, Plaintiffs understand that Defendants do not intend to call John Miller at trial or use his testimony on summary judgment. Having completed the deposition of Chief Galati, Plaintiffs now withdraw their objection to Defendants' motion for a protective order as to John Miller on the understanding that they do not intend to use him as a witness or affiant.

We thank the Court for its continued time and attention.

Respectfully Submitted,

/s/ Robert D. Balin

Robert D. Balin

CC: All counsel of record